

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-21 remain pending in the present application, Claims 2-7, 9-11, 13, 15, 17, 18, and 21 having been amended. The amendments to Claims 2-7, 9-11, 13, 15, 17, 18, and 21 are believed to be self-evident. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, the specification was objected to; Claim 2 was objected to; and Claims 1-21 were rejected under 35 U.S.C. §102(e) as being anticipated by Paradinas et al. (U.S. Patent Publication No. 2002/0116478,

Applicants respectfully traverse the objection to the specification. The present specification recites UNIX, which is a trademark. For example, page 17 of the specification states “...which are operated on the operating system (OS), such as UNIX (registered trademark).” UNIX is capitalized, identified as a trademark, and is accompanied by generic language (i.e., “...the operating system (OS), such as....”) Thus, the specific objection raised by the outstanding Office Action is not clear. Applicants respectfully request that the objection to the specification be withdrawn.

Further, should the Examiner disagree with the above passage, MPEP § 2106 also states that,

Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

Applicants respectfully submit, as noted above, that the objection to the specification should be withdrawn. However, if the objection to the specification is to be maintained, applicants respectfully request that the Examiner provide an explanation of the rejection in view of the guidelines of MPEP § 2106.

With respect to the objection to Claim 2, the present amendment corrects the informality noted in the Office Action. Similar amendments are made to the other dependent claims. Applicants respectfully submit that the objection to Claim 2 is overcome.

With respect to the rejection of Claim 1 as anticipated by Paradinas, Applicants respectfully traverse this ground of rejection. Claim 1 recites,

A file creation method which creates a program-addition file for adding a program to a program-initiation recording medium of an information processing apparatus, comprising the steps of:

acquiring identification information of the program-initiation recording medium; and

creating a program-addition file in response to the identification information so that starting of the program on the information processing apparatus is allowed by the program-addition file with the program stored in the program-initiation recording medium.

Paradinas does not disclose or suggest every element of Claim 1.

The outstanding Office Action appears to take the position that the description in paragraphs [0039]-[0041] of Paradinas equates to the claimed “identification information of the program-initiation recording medium.” However, the description in Paradinas does not describe the medium or the smart card. As stated by Paradinas, “This description is an abstract view of the **application**, as it describes its structure (i.e., its components and their connectors), but doesn’t provide the execution-dependent part of the implementation.” (emphasis added).¹ As defined by Paradinas, the description does not include identification information of the medium.

¹ Paradinas, paragraph [0039].

When device 22 is connected to the smart card, installation of the application is carried out by analyzing the application description stored in the smart card.² The device 22 does not acquire identification information of the smart card.

Paradinas does not disclose or suggest acquiring **identification information of the program-initiation recording medium**. A description of the application does not equate to identification information of the medium, as it does not identify the smart card.

In a non-limiting embodiment of the claimed invention, server 150 receives the serial ID of the secure digital card.³ In this non-limiting example, the serial ID is identification information because it identifies the secure digital card.

The outstanding Office Action appears to equate the claimed “program addition file” to the description and application stored on the smart card. However, the claimed invention recites “creating a program-addition file in response to the identification information....”

Paradinas does not disclose or suggest that the description or application is created in response to the identification information.

Moreover, as the outstanding Office Action equates the claimed “identification information” to the description, it is unclear how the description can also be equated to the claimed “program-addition file.” The description is not created in response to identification information of the medium.

Moreover, the application in Paradinas is not created in response to the description or any identification information of the medium. On the contrary, the description (which describes the application) would come after the application, and not before it.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 1 (and Claims 2-7 dependent thereon) patentably distinguish over Paradinas.

² Paradinas, paragraph [0041].

³ Specification, page 28, lines 23-25.

Moreover, Applicants respectfully submit that Claim 5 further patentably distinguishes over Paradinas. Paradinas does not disclose or suggest “the program-addition file comprises: a program file, an electronic signature of the program file, a configuration file, and an electronic signature of the configuration file.” The outstanding Office Action relies on paragraphs [0039]-[0041] of Paradinas to reject Claim 5. However, these paragraphs of Paradinas do not describe or suggest creating a program-addition file that includes a program file, an electronic signature of the program file, a configuration file, and an electronic signature of the configuration file. The Office is respectfully requested to identify, with specificity, what its consider in Paradinas to be the program-addition file, and where Paradinas describes that the program-addition file includes each of a program file, an electronic signature of the program file, a configuration file, and an electronic signature of the configuration file.

Claims 8 and 14, although of a different statutory class, recites elements similar to those of Claim 1. Thus, Applicants respectfully submit that Claim 8 (and Claims 9-11 dependent thereon) and Claim 14 (and Claim 15 dependent thereon) patentably distinguish over Paradinas, for at least the reasons stated for Claim 1.

Applicants respectfully traverse the rejection of Claim 12. Claim 12 recites,

A computer terminal which stores a program-addition file in a program-addition recording medium, the program-addition file being used to add a program to a program-initiation recording medium of an information processing apparatus, the computer terminal comprising:

an information transmitting unit transmitting, to a server, information required to acquire identification information of the program-initiation recording medium;

a file receiving unit receiving, from the server, a program-addition file which is created by the server in response to the identification information so that starting of the program on the information processing apparatus is allowed by the program-addition file with the program stored in the program-initiation recording medium; and

a file storing unit storing the received program-addition file into the program-addition recording medium.

Paradinas does not disclose or suggest every element of Claim 12.

Paradinas does not describe that the server creates a program-addition file. Server 26 of Paradinas stores a user interface module. Server 28 stores an account manager. There is no disclosure or suggestion that these servers create a program-addition file in response to the identification information of the medium. As discussed above, Paradinas does not describe or suggest the claimed “identification information of the program-initiation recording medium.”

Furthermore, the smart card or device 22 (which is smart card reader) do not equate to the server of Claim 12.

Furthermore, Paradinas does not describe or suggest the “file storing unit storing the received program-addition file into the program-addition recording medium.” As noted earlier, Paradinas does not describe a program-addition file created by a server in response to the identification information of the medium. The outstanding Office Action relies on paragraph [0049] of Paradinas to describe this element of Claim 12. However, paragraph [0049] merely describes communications between the smart card and the device 22.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 12 (and Claim 13 dependent thereon) patentably distinguish over Paradinas.

Applicants respectfully traverse the rejection of Claim 16 as anticipated by Paradinas.
Claim 16 recites,

An information processing apparatus which adds a program to a program-initiation recording medium by using a program-addition recording medium in which a program-addition file for adding the program to the program-initiation recording medium is stored, the information processing apparatus comprising:

a recording-medium detection unit detecting the program-addition recording medium in which the program-addition file is recorded; and

a program addition unit performing an authentication check of the program-addition file read from the program-addition recording medium, and adding the program to the program-initiation recording medium according to a result of the authentication check.

Paradinas does not describe or suggest every element of Claim 16.

According to Claim 16, the program is added to the program-initiation recording medium according to a result of the authentication. In Paradinas, user authentication follows the installation of the application. Thus, the application cannot be added according to a result of the authentication.

Furthermore, Claim 16 refers to “performing an authentication check of the program-addition file read from the program-addition recording medium.” Paradinas merely mentions “traditional **user** authentication” (emphasis added). This is not a description of authenticating the program-addition file read from the program-addition recording medium.

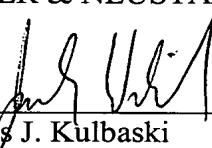
In view of the above-noted distinctions, Applicants respectfully submit that Claim 16 (and Claims 17 and 18 dependent thereon) patentably distinguish over Paradinas.

Claims 29 and 20 recite elements similar to those of Claims 8 and 16. Thus, Applicants respectfully traverse the rejection of Claims 19 (and Claim 21 dependent thereon) and 20, for at least the reasons stated previously for Claims 8 and 16.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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